UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,729	11/06/2001	Anne Marie Holler	30126-8016.US01	9132

22918   7590   03/03/2009
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EXAMINER
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ART UNIT	PAPER NUMBER
3685	

MAIL DATE	DELIVERY MODE
03/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

    4a) Of the above claim(s) *2-4, 10, 18, 20-23, 28-36, 38-41, and 46-54* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6-9,19,24-27,37 and 42-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *12/14/07, 04/08/08*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This communication is in response to Applicant's Amendment filed 13 November

2008.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 1,

2007 has been entered.

Election/Restrictions

3.   Applicant's election without traverse of species A in the reply filed on 13

November 2008 is acknowledged. Accordingly, claims 1, 6-9, 19, 24-27, 37, and 42-45

are currently under examination. Claims 2-4, 10, 18, 20-23, 28-36, 38-41, and 46-54

are withdrawn. Claims 1-54 are currently pending in this case.

Information Disclosure Statement

4.   The information disclosure statements (IDS) submitted on December 19, 2007

and April 11, 2008 are in compliance with the provisions of 37 CFR 1.97. Accordingly,

the information disclosure statements are being considered by the examiner.

Response to Arguments

5.   Applicant's arguments filed June 1, 2007 have been fully considered but they are

not persuasive.

6.   The affidavit filed on June 1, 2007 under 37 CFR 1.131 has been considered but

is ineffective to overcome the Eylon reference (US 6,757,894). Specifically, the

declaration for the affidavit filed on June 1, 2007 under 37 CFR 1.131 has been

considered but is ineffective to overcome the Eylon reference, because the said

declaration is absent.

7.   In this case, the affidavit filed on June 1, 2007 is not accompanied by a

declaration. Applicant had filed a previous declaration on May 12, 2006, but the said

previous declaration is not linked to the evidence filed on June 1, 2007. In other words,

the file contains a declaration without sufficient evidence, and, separately, evidence

without a declaration.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Eylon et al (US 6,757,894) in view of Franco et al (US 6,687,745)

10.   Regarding claim 1, 19 and 37 –

11.   Eylon discloses a process for the delivery of server-based streamed applications

and data to a client and the management of said streamed applications on a server,

comprising the steps of: providing application set storage means for persistently storing

streamed application program sets on said server (e.g. fig 1, col 3 ln 40-45); wherein

said streamed application sets contain streamed application file pages (e.g. fig 2B);

wherein said streamed application file pages are read only; providing means for

receiving client requests for streamed application file pages (e.g. fig 1, col 5 ln 20-25);

wherein clients request streamed application file pages using a unique set of numbers

common among all servers that store the particular streamed application file pages; and

providing means for sending said requested streamed application file page to said

client (e.g. col 5 ln 50-65).

12.   Eylon does not disclose, but Franco does, providing validation means for

validating whether a client has access privilege to a requested streamed application file

page (e.g. col 23 ln 64 – col 34 ln 5)

13.   It would be obvious to one of ordinary skill in the art to combine the teachings of

Franco and Eylon as they are in the same field, and in order to obtain the efficiency of

streamed application along with greater security.

14.   Regarding claim 2-5, 20-23, 38-41 –

15.   Eylon discloses a process comprising the step of: providing compression means

for compressing said requested streamed application file page before sending said

requested streamed application file page to said client.; wherein when a client requests

multiple streamed application file pages, said server concatenates all of the requested

pages and compresses the entire set at once before sending to said client; wherein said

commonly accessed streamed application file pages are compressed before being

stored in said cache; wherein all of the streamed application file pages in the streamed

application sets are compressed before being stored in said application set storage

means (e.g. col 3 ln 40 – col 4 ln 2).

16.   Regarding claims 6-18, 24-36, 42-54 –

17.   Eylon discloses a process comprising the step of: providing profiling means for

profiling the access patterns of streamed application file pages; wherein said access

patterns are sent to said client to guide its prefetching of streamed application file

pages; wherein said access patterns are used by said server to pre-package and

compress groups of streamed application file pages; and wherein a pre-packaged group

is sent to a client requesting pages within a set; wherein said access patterns are used

by said server to perform prefetching of streamed application file pages for pushing to

clients; further comprising the step of: providing a license server; wherein said validation

means resides on said license server; and wherein said validation means provides a

client with an access token that contains information regarding access rights, the

application that it applies to, and an expiration time; further comprising the steps of:

providing token reception means on said server for receiving an access token from a

client; providing decryption means on said server for decrypting said access token;

providing means for validating the contents of said access token; and granting access to

a client with a valid access token; wherein said decrypting means uses a secret key

shared with said license server to decrypt an access token; wherein said server

maintains a list of recently approved access tokens and compares incoming access

tokens with said list, and wherein incoming access tokens that match an entry on said

list are approved without further processing; wherein a client uses a persistent

connection over the Internet with said server to make multiple requests from said

server, and wherein said server closes persistent connections that have been idle for a

predetermined period of time; further comprising the step of: assigning individual

servers a specific set of streamed applications sets to serve to clients; and wherein the

servers across a network are asymmetrically assigned different sets of streamed

application sets to improve overall server efficiency; wherein said individual servers are

dynamically assigned streamed application sets to match client accesses over time;

further comprising the step of: providing a central control server; wherein said individual

servers periodically send a summary of their file access patterns to said central control

server; and wherein said central control server reassigns individual servers according to

the file access patterns; wherein said server communicates with clients across the

Internet (e.g. col 5 ln 1-55).

18.   As above, it would be obvious to one of ordinary skill in the art to combine the

teachings of Franco and Eylon as they are in the same field, and in order to obtain the

efficiency of streamed application along with greater security.

19.   Examiner's note: Examiner has cited particular columns and line numbers in

the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

applied to the specific limitations within the individual claim, other passages and figures

may be applied as well. It is respectfully requested from the applicant, in preparing the

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

20.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21.   Duso et al (US 5,892,915) discloses a system having client sending edit commands to server during transmission of continuous media from one clip in play list for editing the play list.

22.   Oehrke et al (US 6,735,631) discloses a method and system for network redirecting.

23.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRISTINA OWEN SHERR whose telephone number is (571)272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

24.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt, II can be reached on (571)272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRISTINA OWEN SHERR
Examiner
Art Unit 3685

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